

June 25, 2021

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VIA ECF

Judge Jesse Furman
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 1007

Re: ***Angela Del Villar v. Hyatt Hotel Corporation, Hyatt Centric Times Square, and Neil Francois***
File No: 15566.00023
Docket No: 1:19-cv-10891-JMF

Dear Judge Furman,

We represent Defendant Hyatt Hotel Corporation d/b/a Hyatt Centric Times Square New York, s/h/a Hyatt Hotel Corporation and Hyatt Centric Times Square (“The Hotel”) in the referenced matter. We write to respectfully request Your Honor’s intervention with respect to Defendant Francois’ failure to respond to the Hotel’s discovery demands despite the Court’s June 10, 2021 Order directing Defendant Francois to respond to the Hotel’s demands by June 18, 2021. To date, Defendant Francois’ only discovery production has consisted of Rule 26 initial disclosures and a handful of Instagram images, despite testifying at his deposition that he is in possession of files relating to his termination and arbitration. Significantly, Defendant Francois has not provided any responses to the Hotel’s interrogatories, nor any written responses to the Hotel’s document demands.

As discussed at the pre-trial conference on June 10, 2021, Defendant Francois has not substantively responded to the Hotel’s April 20, 2021 discovery requests, nor has he provided any responses to the Court’s Pilot Discovery Protocols for Counseled Employment Cases. At the conference, Your Honor Ordered Defendant Francois to provide responsive discovery to the Hotel and Plaintiff on or before June 18, 2021. Directly after the conference, the Hotel re-sent Defendant Francois its discovery demands via email and mail consistent with Your Honor’s direction.

When it did not receive any communication from Defendant Francois on June 18, 2021, the Hotel sent Defendant Francois an email on June 22, 2021 in a good faith effort to follow up on his

discovery responses. On Thursday, June 24, 2021, Defendant Francois sent an email to the Hotel in which he attached additional Rule 26 Initial Disclosures. Notably, Defendant Francois failed to enclose any response to: the Pilot Discovery Protocols; the Hotel's Interrogatories; or the Hotel's Document Demands.

While the Hotel appreciates Defendant Francois' efforts thus far and is sympathetic to his pro-se status, his unwillingness to provide complete discovery has made it difficult to for the Hotel to fully defend against the claims brought by Plaintiff.

For the foregoing reasons, the Hotel respectfully requests that the Court compel Defendant Francois to provide responses to the Hotel's discovery demands on or before July 2, 2021.

Thank you for your attention to this matter.

Respectfully submitted,

**WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP**

/s/ *Celena Mayo*

Celena Mayo
Joanna Colacurcio

The Court already ordered Mr. Francois to fully respond to the Hotel's discovery demands. In light of the Hotel's letter, Mr. Francois is granted one additional extension, until **July 2, 2021**, to comply. Mr. Francois is reminded that he must disclose any and all materials in his possession, custody, or control that are responsive to the Hotel's demands. That includes any and all "files relating to his termination and arbitration" that he has not yet disclosed. Failure to comply with this Order may result in sanctions being imposed. The Hotel is ORDERED to serve a copy of this Order on Mr. Francois by email and to file proof of such service on the docket by June 28, 2021. The Clerk of Court is directed to mail a copy of this Order to Mr. Francois and to terminate ECF No. 62.

SO ORDERED.

A handwritten signature in black ink, appearing to be "Janet M.", written in a cursive style.

June 28, 2021